

**In the Matter Of:**  
**KULAKOWSKI vs WESTROCK SERVICES**

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**JEB BELL**

*December 18, 2017*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MICHAEL KULAKOWSKI,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO.
	)	3:16-CV-02510
	)	
WESTROCK SERVICES, INC.,	)	
	)	
Defendant.	)	

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DEPOSITION OF

JEB BELL

Taken on Behalf of the Plaintiff

December 18, 2017

Commencing at 1:00 p.m.

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Reported by: Elisabeth A. Miller Lorenz, RMR, CRR  
Tennessee LCR No. 66  
Expires: 6/30/2018

<p>1 APPEARANCES: 2 For the Plaintiff: 3 HEATHER MOORE COLLINS 4 Collins &amp; Hunter 5 7000 Executive Center Drive 6 Building 2, Suite 320 7 Brentwood, Tennessee 37027 8 (615) 724-1996 9 heather@collinshunter.com 10 11 For the Defendant: 12 MARY DOHNER SMITH 13 Constangy, Brooks, Smith &amp; Prophete 14 1010 SunTrust Plaza 15 401 Commerce Street 16 Nashville, Tennessee 37219 17 (615) 320-5200 18 mdohner@constangy.com 19 nsuarez@constangy.com 20 21 22 23 24 25</p>	<p>Page 2</p> <p>1 The deposition of JEB BELL was taken on 2 behalf of the Plaintiff on December 18, 2017, in the 3 offices of Constangy, Brooks, Smith &amp; Prophete, 4 1010 SunTrust Plaza, 401 Commerce Street, Nashville, 5 Tennessee, for all purposes under the Federal Rules 6 of Civil Procedure. 7 The formalities as to notice, caption, 8 certificate, et cetera, are waived. All objections, 9 except as to the form of the questions, are reserved 10 to the hearing. 11 It is agreed that Elisabeth A. Miller 12 Lorenz, being a Notary Public and Court Reporter for 13 the State of Tennessee, may swear the witness, and 14 that the reading and signing of the completed 15 deposition by the witness are reserved. 16 17 18 19 20 21 * * * 22 23 24 25</p> <p>Page 4</p>
<p>1 INDEX 2 INDEX OF EXAMINATIONS 3 4 WITNESS: JEB BELL 5 Examination By Ms. Collins .....5 6 Examination By Ms. Dohner Smith .....31 7 MARKED EXHIBITS 8 Exhibit Description Page 9 No. 29 ALERTLINE System Report .....17 10 11 12 PREVIOUSLY MARKED EXHIBITS 13 PRESENTED TO WITNESS 14 Exhibit Description Page 15 No. 15 Complaint .....16 16 17 No. 16 Whited Invesigation Docs .....29 18 19 20 21 22 23 24 25</p>	<p>Page 3</p> <p>1 JEB BELL 2 was called as a witness, and after having been first 3 duly sworn, testified as follows: 4 EXAMINATION 5 BY MS. COLLINS: 6 Q Could you state your full name for the 7 record, please? 8 A James Ellingwood Bell, Jr. 9 Q And do you go by Jeb? 10 A Uh-huh. 11 Q Okay. What is your address? 12 A 25 Adair Road, Jackson, Tennessee, 38305. 13 Q And what is your phone number? 14 A (731)694-7591. 15 Q Where do you currently work, Mr. Bell? 16 A WestRock. 17 Q How long have you been with WestRock? 18 A I've been with WestRock and its legacy 19 companies since '97. 20 Q What is your current job title? 21 A I'm an area vice president. 22 Q Are you an area vice president over a 23 particular area? 24 A Area vice president of the midsouth. 25 Q What do you do as area vice president over</p> <p>Page 5</p>

<p style="text-align: right;">Page 6</p> <p>1 the midsouth?</p> <p>2 A It's comprised of facilities in Mississippi,</p> <p>3 Alabama, Tennessee. There are 9 manufacturing</p> <p>4 sites, 2 specialty sites; 11 facilities. And I am</p> <p>5 responsible for the P&amp;L. I have oversight of all</p> <p>6 manufacturing, sales, engineering, design.</p> <p>7 There's only two functions that don't report</p> <p>8 to me directly but indirectly on a dotted line.</p> <p>9 That would be the HR and the finance.</p> <p>10 Q But you said HR reports indirectly to you?</p> <p>11 A Yes.</p> <p>12 Q Through who?</p> <p>13 A I'm not following.</p> <p>14 Q You said they report indirectly.</p> <p>15 How do they indirectly report to you? Who</p> <p>16 is it through?</p> <p>17 A There is an HR lead that is assigned to the</p> <p>18 midsouth. So there's an area HR manager who</p> <p>19 functionally reports up through the HR function and</p> <p>20 has a dotted line to the operational lead that they</p> <p>21 are working with.</p> <p>22 Q How long have you been in this role as area</p> <p>23 vice president of midsouth?</p> <p>24 A 2014. October or so of 2014.</p> <p>25 Q What was your job title before you were area</p>	<p style="text-align: right;">Page 8</p> <p>1 A Hiring or firing?</p> <p>2 Q Yes.</p> <p>3 A Well, hiring would be a direct report to me;</p> <p>4 would also be what I consider key functional</p> <p>5 businesses -- leaders, whether that's a GM or a</p> <p>6 plant manager.</p> <p>7 On the sales side of it, sales managers, I</p> <p>8 exercise veto power. I don't typically tell a</p> <p>9 business leader that you're going to hire this</p> <p>10 person. Then I own it; they don't. But if I have a</p> <p>11 problem with them, I would exercise my veto.</p> <p>12 In the case of terminations, they're</p> <p>13 typically for nonperformance.</p> <p>14 Q Were you involved in the decision to</p> <p>15 terminate Tommy Whited?</p> <p>16 A I was.</p> <p>17 Q Were you the final decision-maker?</p> <p>18 A No. I was one of several senior people who</p> <p>19 made that decision.</p> <p>20 Q Who were the several senior people who made</p> <p>21 that decision?</p> <p>22 A Gentlemen -- well, it would have gone all</p> <p>23 the way to the chairman, Steve Voorhees; the</p> <p>24 president of the corrugated packaging segment, which</p> <p>25 would have been Jeff Chalovich; but the primary</p>
<p style="text-align: right;">Page 7</p> <p>1 vice president of midsouth?</p> <p>2 A It's what they call business unit general</p> <p>3 manager.</p> <p>4 Q As the area VP of the midsouth, are you over</p> <p>5 the WestRock Gallatin plant?</p> <p>6 A Gallatin would be one of the facilities that</p> <p>7 I have responsibility for.</p> <p>8 Q And what is the chain of command before it</p> <p>9 gets to you from Gallatin?</p> <p>10 A There is a general manager of the facility,</p> <p>11 there is a business unit general manager, and then</p> <p>12 there's an AVP.</p> <p>13 Q Now, I'm specifically referring to the time</p> <p>14 when Tommy Whited was there.</p> <p>15 Was he the general manager?</p> <p>16 A Yes.</p> <p>17 Q Who is the business unit general manager</p> <p>18 while he was there, specifically in 2016 and '15?</p> <p>19 A A gentleman by the name of Tom Pedine.</p> <p>20 Q As the area vice president of midsouth, do</p> <p>21 you have authority to hire and fire employees?</p> <p>22 A Yes.</p> <p>23 Q What sort of situations would you typically</p> <p>24 exercise that authority for? Who -- who would you</p> <p>25 typically exercise that authority for?</p>	<p style="text-align: right;">Page 9</p> <p>1 would be Rick Parris, who I report to, who's the</p> <p>2 senior vice president of the central region;</p> <p>3 Jill Horner, who is the vice president of HR reports</p> <p>4 to Jeff Chalovich; Joy Jones, who is the regional</p> <p>5 HR, who reports to my boss -- or actually reports to</p> <p>6 Jill but is assigned to be the HR lead for</p> <p>7 Rick Parris.</p> <p>8 Q How did that process play out? Was there</p> <p>9 some sort of form y'all had to check that you agreed</p> <p>10 he should be terminated, Mr. Whited?</p> <p>11 A The decision to terminate Tommy came from</p> <p>12 the results of an investigation that occurred from</p> <p>13 an anonymous 800 call to the hotline. Investigation</p> <p>14 ensued, and the findings from that investigation led</p> <p>15 to his termination.</p> <p>16 Q Did all of the people that you just</p> <p>17 mentioned, Rick Parris and Jill Horner and Joy Jones</p> <p>18 and yourself, all have to agree; or did anyone</p> <p>19 disagree that he should be terminated?</p> <p>20 A No one disagreed. It was consensus.</p> <p>21 Do other voices outweigh others?</p> <p>22 The most senior person in that decision</p> <p>23 group would be Rick Parris, but there wasn't any</p> <p>24 dissension at all.</p> <p>25 Q Did y'all have a phone conference to discuss</p>

<p style="text-align: right;">Page 10</p> <p>1 the findings of the investigation, or how did that 2 come about?</p> <p>3 A There were several conference calls. Our 4 legal counsel along with HR were leading the 5 investigation. So when I say there were several 6 conference calls, once the initial call came into 7 the hotline, it was really regarding the issue that 8 employees were leaving and that we should look into 9 that matter.</p> <p>10 So the investigation ensued, took place, and 11 kind of -- it's like opening Pandora's box. One 12 thing led to another and another and another, and 13 employees came forward at that point in time to the 14 HR.</p> <p>15 So those conference calls take place to 16 advise the current status of the investigation.</p> <p>17 Q Was WestRock's attorney on all of those 18 calls?</p> <p>19 A Yes.</p> <p>20 Q Did you take any notes from those phone 21 calls?</p> <p>22 A No.</p> <p>23 Q Do you typically get Global Compliance 24 hotline reports?</p> <p>25 A Me personally? No.</p>	<p style="text-align: right;">Page 12</p> <p>1 MS. DOHNER SMITH: Object to the form.</p> <p>2 THE WITNESS: What?</p> <p>3 MS. DOHNER SMITH: I objected. You can 4 answer if you are able.</p> <p>5 THE WITNESS: Can you repeat the 6 question?</p> <p>7 MS. COLLINS: Sure.</p> <p>8 (The requested question was read back 9 by the court reporter as follows:</p> <p>10 "Question: Was that considered by the 11 company to be sexual harassment since it was just 12 directed towards a male employee?")</p> <p>13 THE WITNESS: No, I don't -- I don't 14 think it was anything sexual because it wasn't just 15 him. There were other types of behavior that were 16 going on with other employees as well.</p> <p>17 It seemed that Michael was the 18 recipient of some more physical behavior, hitting, 19 kicking.</p> <p>20 BY MS. COLLINS:</p> <p>21 Q Did --</p> <p>22 A Kicking a chair out from under him.</p> <p>23 Q To your knowledge, did any female employees 24 complain of Mr. Whited hitting, kicking them?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q Who typically gets those?</p> <p>2 A Go into an 800 number, and they're directed 3 either to the employment legal counsel, who 4 distributes to the HR leader of the business. It's 5 typically contained within the HR and legal group.</p> <p>6 Q Are you familiar with Tommy -- had you -- 7 well, are you familiar with WestRock's employment 8 policies?</p> <p>9 A Yes.</p> <p>10 Q And was one of the reasons he was terminated 11 due to a violation of its sexual harassment policy?</p> <p>12 A I would say it was conduct unbecoming of 13 leadership that was a violation of the core values 14 of the company. There may have been kind of what we 15 perceived as workplace violence.</p> <p>16 Q What about his conduct was unbecoming?</p> <p>17 A Well, based on the investigation, there were 18 incidents where Tommy behaved in a manner that we, 19 you know, don't think holds respect or integrity.</p> <p>20 There was the incident with Michael. That 21 was probably the overwhelming issue. There were 22 actions that he did with Michael.</p> <p>23 Q Was that considered by the company to be 24 sexual harassment since it was just directed towards 25 a male employee?</p>	<p style="text-align: right;">Page 13</p> <p>1 Q And based on WestRock's policies, can 2 horseplay constitute sexual harassment to your 3 knowledge?</p> <p>4 A I suppose it could. It depends on the 5 context that transpired.</p> <p>6 Q What would you consider horseplay to be?</p> <p>7 A Horseplay is behavior that is inappropriate 8 for the workplace, so examples would be hitting, 9 using language, banter that gets out of hand, 10 arguments, but basically as it applies to create an 11 unsafe work environment.</p> <p>12 Q When was the last time you went to the 13 Gallatin plant before -- when it was still during 14 Tommy Whited's tenure?</p> <p>15 A I try to go to facilities once every six to 16 eight weeks. So I can't time-wise nail that down 17 for you of when the investigation started.</p> <p>18 Q When you go to plants every six to eight 19 weeks, is it announced ahead of time; or do you go 20 there for a specific purpose?</p> <p>21 A Well, it's not always announced. But most 22 of the time out of respect, I let folks know. I 23 could be traveling in the area and show up. But the 24 agenda is typically about operational performance.</p> <p>25 Q When you would go out to the Gallatin</p>

<p style="text-align: right;">Page 14</p> <p>1 facility, would you typically go over to the</p> <p>2 fulfillment center; or would you pretty much stay at</p> <p>3 the main plant?</p> <p>4 A Both.</p> <p>5 Q About how many times do you think you went</p> <p>6 to the fulfillment center in Gallatin in 2016?</p> <p>7 A Three to four.</p> <p>8 Q To your knowledge, were any other managers</p> <p>9 that -- well, to your knowledge, did any other</p> <p>10 managers at the facility witness Tommy Whited</p> <p>11 kicking Michael Kulakowski?</p> <p>12 A To my knowledge, no.</p> <p>13 Q So were there any other managers that were</p> <p>14 out at the Gallatin facility or facilities</p> <p>15 disciplined for not reporting Tommy Whited's</p> <p>16 behavior towards subordinate employees?</p> <p>17 A No.</p> <p>18 Q Did you know that a complaint of harassment</p> <p>19 had been made against Tommy Whited in 2013?</p> <p>20 A I was aware that -- an 800 call in 2013. I</p> <p>21 don't know the specifics of it, but...</p> <p>22 Q When did you become aware of that?</p> <p>23 A At the time of the complaint on the 16th.</p> <p>24 Q The time of the 2016 investigation?</p> <p>25 A Uh-huh.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q Yes.</p> <p>2 (Presented Exhibit No. 15.)</p> <p>3 BY MS. COLLINS:</p> <p>4 Q Just take a moment to review that, and let</p> <p>5 me know when you're done.</p> <p>6 A I remember this now.</p> <p>7 Q Did you receive a copy of this complaint in</p> <p>8 2015?</p> <p>9 A I don't recall receiving a copy, but I</p> <p>10 remember a complaint that was reported about an</p> <p>11 anonymous call that Tommy was having an affair that</p> <p>12 happened in 1999. But I don't know that anything --</p> <p>13 I wasn't a part of any decision-making here.</p> <p>14 Q Well, to your knowledge, was anything done</p> <p>15 to Tommy Whited as a result of this complaint that</p> <p>16 was made in 2013?</p> <p>17 A To my knowledge, no.</p> <p>18 Q And you would have known if something were</p> <p>19 done to him, right?</p> <p>20 MS. DOHNER SMITH: Objection.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. COLLINS:</p> <p>23 Q Do you know if the company initiated an</p> <p>24 investigation as a result of this complaint?</p> <p>25 A I assume they did because there was a</p>
<p style="text-align: right;">Page 15</p> <p>1 Q So to your knowledge, was there any sort of</p> <p>2 investigation or additional oversight as a result of</p> <p>3 the 2013 complaint against Tommy Whited?</p> <p>4 A I don't know. I mean, I don't know the</p> <p>5 complaint.</p> <p>6 800 calls don't necessarily come through me.</p> <p>7 They go to HR, and they investigate. Whether I need</p> <p>8 to be brought into the loop is a call that's made by</p> <p>9 legal and HR. Most calls come in anonymously, so...</p> <p>10 Q What typically would rise to the level where</p> <p>11 you would get involved?</p> <p>12 A The -- as it applies to this, the call came</p> <p>13 in anonymously -- anonymously for the complaint</p> <p>14 about employees leaving Gallatin. That really</p> <p>15 didn't rise to the level of my involvement.</p> <p>16 What transpired is when they went in to</p> <p>17 investigate and discussed with employees, other</p> <p>18 things began to come out. That's when I was brought</p> <p>19 further into the situation.</p> <p>20 Q Have you seen the 2013 complaint that was</p> <p>21 made against Mr. Tommy Whited?</p> <p>22 A Not that I recall, no.</p> <p>23 Q First, let's go to -- if you could turn in</p> <p>24 this book to Exhibit No. 15.</p> <p>25 A As it's in the tabs here?</p>	<p style="text-align: right;">Page 17</p> <p>1 compliance call in there.</p> <p>2 Q Okay.</p> <p>3 MS. COLLINS: I'm going to mark this</p> <p>4 next document as Exhibit 29.</p> <p>5 (Marked Exhibit No. 29.)</p> <p>6 BY MS. COLLINS:</p> <p>7 Q Just let me know when you've had a moment to</p> <p>8 review this.</p> <p>9 Have you seen this document before?</p> <p>10 A Huh-uh.</p> <p>11 Q No?</p> <p>12 But to your knowledge, in 2013 Mr. Whited</p> <p>13 wasn't suspended or disciplined in any sort of</p> <p>14 formal way as a result of the complaint that was</p> <p>15 initiated?</p> <p>16 A No.</p> <p>17 MS. DOHNER SMITH: I'm just going to</p> <p>18 object quickly to the extent this is being admitted.</p> <p>19 I'm fine with it being marked as No. 29 for</p> <p>20 identification purposes, but I don't think it's been</p> <p>21 authenticated.</p> <p>22 BY MS. COLLINS:</p> <p>23 Q And this document that you're holding,</p> <p>24 Exhibit No. 29, have you seen a form like this</p> <p>25 before?</p>

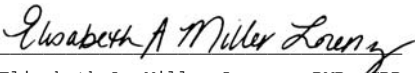
<p style="text-align: right;">Page 18</p> <p>1 A A -- a compliance?</p> <p>2 Q Yes.</p> <p>3 A Yes.</p> <p>4 Q Is this a business document of WestRock,</p> <p>5 these Global Compliance ALERTLINE system reports?</p> <p>6 MS. DOHNER SMITH: Objection.</p> <p>7 THE WITNESS: I don't know that it's a</p> <p>8 WestRock form. I think this is a third party that</p> <p>9 administers this compliance, so it's a form they use</p> <p>10 I guess to alert what the call was, the time, and</p> <p>11 what...</p> <p>12 BY MS. COLLINS:</p> <p>13 Q And this is how WestRock is provided the</p> <p>14 reports from the third-party administrator; is that</p> <p>15 correct?</p> <p>16 MS. DOHNER SMITH: Objection.</p> <p>17 THE WITNESS: I believe so.</p> <p>18 BY MS. COLLINS:</p> <p>19 Q Now, as far as reporting sexual harassment,</p> <p>20 if a manager at a facility witnesses sexual</p> <p>21 harassment, do they have a duty to report that?</p> <p>22 A Absolutely.</p> <p>23 Q Do they have a duty to report it if they see</p> <p>24 another manager hitting or kicking an employee?</p> <p>25 A Yes, although it's spelled out in the policy</p>	<p style="text-align: right;">Page 20</p> <p>1 HR was doing a -- you know, notifying that they were</p> <p>2 doing an investigation.</p> <p>3 Q So you think HR did not notify him that he</p> <p>4 was under investigation?</p> <p>5 A I can't -- I don't know.</p> <p>6 Q Did you notify him that he was under</p> <p>7 investigation?</p> <p>8 A No, because at the point -- at the point in</p> <p>9 time when the compliance call came in, it was about</p> <p>10 employees leaving because of dissatisfaction to</p> <p>11 work.</p> <p>12 You know, I took it initially the complaint</p> <p>13 or compliance call was a work-life balance issue.</p> <p>14 People were working excessive overtime and were</p> <p>15 quitting the job.</p> <p>16 It's only after they began investigating,</p> <p>17 you kind of open one door and the next door and</p> <p>18 other things kept coming up, you began to understand</p> <p>19 the severity of what was going on.</p> <p>20 Q And were you kept apprized along the way as</p> <p>21 more and more egregious things came up?</p> <p>22 A There were -- the investigation, and then</p> <p>23 there were conference calls that took place that I</p> <p>24 was invited to or participated in. But the -- the</p> <p>25 actual investigation was led by the HR and legal</p>
<p style="text-align: right;">Page 19</p> <p>1 of the company.</p> <p>2 Q Which managers at the company, other than</p> <p>3 general managers at a facility, would that</p> <p>4 responsibility go to?</p> <p>5 A Well, it goes down to every employee.</p> <p>6 That's -- the training that everyone receives is on</p> <p>7 the workplace code of conduct, workplace harassment.</p> <p>8 So that training is done annually, and then it's</p> <p>9 posted for...</p> <p>10 Q And there are both men and women that work</p> <p>11 at the Gallatin facility, right?</p> <p>12 A Correct.</p> <p>13 Q Were you immediately notified when WestRock</p> <p>14 received the 2016 complaint against Tommy Whited?</p> <p>15 A I was notify -- I don't know immediately,</p> <p>16 but I was notified before the investigation was</p> <p>17 started by my HR lead, that they had received a</p> <p>18 compliance call.</p> <p>19 Q While that investigation took place, did</p> <p>20 Tommy Whited continue to report to work?</p> <p>21 A Yes.</p> <p>22 Q Do you know if he was notified that he was</p> <p>23 under investigation?</p> <p>24 A I don't know that, no. I don't know that he</p> <p>25 was directly contacted. I think that they were --</p>	<p style="text-align: right;">Page 21</p> <p>1 group.</p> <p>2 So at what point they had the conference</p> <p>3 calls or made the decisions to have the conference</p> <p>4 calls, you know, I don't know.</p> <p>5 Q When you participated in those conference</p> <p>6 calls, did you get, like, a meeting request for</p> <p>7 that? How did -- how were you notified that a</p> <p>8 conference call was going to take place? Was it put</p> <p>9 on your calendar?</p> <p>10 A I believe it was put on my calendar.</p> <p>11 Q Would those dates that you participated in</p> <p>12 conference calls still be reflected on your 2016</p> <p>13 calendar?</p> <p>14 A I don't know. I just -- I don't know.</p> <p>15 Q What HR person did you talk to directly</p> <p>16 about the investigation?</p> <p>17 A My HR lead would have been Melinda McGraw.</p> <p>18 Q And is she still with the company?</p> <p>19 A No.</p> <p>20 Q Why did she leave?</p> <p>21 MS. DOHNER SMITH: Objection.</p> <p>22 BY MS. COLLINS:</p> <p>23 Q Do you know why she left?</p> <p>24 A Yes, I do know why she left, but I don't</p> <p>25 think it's germane to this.</p>



<p style="text-align: right;">Page 22</p> <p>1 Q Why did she leave?</p> <p>2 MS. DOHNER SMITH: Can we go off the</p> <p>3 record for just a minute, and we can talk?</p> <p>4 MS. COLLINS: Yeah.</p> <p>5 (Discussion off the record.)</p> <p>6 MS. COLLINS: Back on the record.</p> <p>7 BY MS. COLLINS:</p> <p>8 Q Can you tell me generally, was -- did Ms. --</p> <p>9 was Ms. McGraw -- did she resign, or was she</p> <p>10 terminated?</p> <p>11 A She was terminated.</p> <p>12 Q And generally what was the reason why she</p> <p>13 was terminated?</p> <p>14 A Her personal life and issues that she</p> <p>15 experienced began to impact her work performance.</p> <p>16 Q When did she leave the company?</p> <p>17 A I guess December '16. December or</p> <p>18 January -- yeah, December '16.</p> <p>19 Q Did any of the issues with her work</p> <p>20 performance have to do with her heading up the</p> <p>21 investigation into Tommy Whited?</p> <p>22 A Absolutely not.</p> <p>23 Q So Mr. Pedine -- is it Mr. Pedine or Pedine?</p> <p>24 A He goes by Pedine.</p> <p>25 Q Was he considered Tommy Whited's direct</p>	<p style="text-align: right;">Page 24</p> <p>1 was a high functioning team; that it was a very,</p> <p>2 very close-knit group; that they had worked together</p> <p>3 for a long time. And I hate to be -- you know, that</p> <p>4 they were family.</p> <p>5 Q Do you recall having any conversations with</p> <p>6 Tom Pedine after the allegations came out about</p> <p>7 Tommy Whited?</p> <p>8 A At what point? I mean --</p> <p>9 Q After the allegations came out about</p> <p>10 Tommy Whited, did you have any specific</p> <p>11 conversations with Tom Pedine that you can recall</p> <p>12 about Tommy Whited's behavior or anything like that?</p> <p>13 A As the allegations were coming out, yes.</p> <p>14 Q What do you recall about those</p> <p>15 conversations?</p> <p>16 A That if this kind of behavior is actually</p> <p>17 going on, that Tommy is in a lot of trouble.</p> <p>18 Q Did there come a point in time where you</p> <p>19 became aware that during the investigation</p> <p>20 Tommy Whited was trying to move Michael Kulakowski?</p> <p>21 A I'm aware of that, yes.</p> <p>22 Q Tell me what you know about that.</p> <p>23 A During the investigation, Tommy attempted at</p> <p>24 some point in time to move Michael. I can't</p> <p>25 remember where he was going to move but out of the</p>
<p style="text-align: right;">Page 23</p> <p>1 supervisor?</p> <p>2 A Yes.</p> <p>3 Q As plant manager, did Tommy Whited get</p> <p>4 yearly evaluations?</p> <p>5 A Yes.</p> <p>6 Q Who was -- did you sign off on those, or did</p> <p>7 Mr. Pedine sign off on those?</p> <p>8 A Typically, the employee's direct manager</p> <p>9 does the performance review.</p> <p>10 Q Other than the 2013 Global Compliance</p> <p>11 complaint against Tommy Whited, are you aware of any</p> <p>12 other complaints against Tommy Whited like the ones</p> <p>13 that are of the nature of the 2013 one or the 2016</p> <p>14 one?</p> <p>15 A No.</p> <p>16 Q Had he been disciplined to your knowledge --</p> <p>17 Mr. Whited, had he been disciplined to your</p> <p>18 knowledge for any job performance issues prior to</p> <p>19 2016?</p> <p>20 A Not that I'm aware of. In fact, Tommy was</p> <p>21 highly regarded within the WestRock organization.</p> <p>22 He led a very successful business, a business that</p> <p>23 was recognized as plant of the year twice within the</p> <p>24 legacy companies.</p> <p>25 So my impression was -- of that team was it</p>	<p style="text-align: right;">Page 25</p> <p>1 shipping department.</p> <p>2 The HR lead came to me and said that was</p> <p>3 going on, and I stopped it.</p> <p>4 Q And was that because that could be</p> <p>5 considered retaliation if he would have done that?</p> <p>6 A As ongoing investigation, yes, it would be</p> <p>7 retaliation. And there were no -- there were no</p> <p>8 write-ups in Michael's employment, no things that</p> <p>9 would corroborate a move or a demotion, because it</p> <p>10 was going to, I think, impact pay as well.</p> <p>11 Q Why was Tommy Whited terminated?</p> <p>12 A Tommy was terminated because of not</p> <p>13 conducting himself in a professional manner, that</p> <p>14 the behaviors that the investigation found were</p> <p>15 egregious enough for us to terminate a 40-year</p> <p>16 tenured employee.</p> <p>17 Hitting people in the groin goes beyond, you</p> <p>18 know, appropriate behavior in the workplace. It's</p> <p>19 not just -- it's not just horseplay that you would</p> <p>20 see in an organization that is that tight knit that</p> <p>21 has worked together for that length of time as a</p> <p>22 team.</p> <p>23 Q Were you there the day he was terminated?</p> <p>24 A I terminated Tommy.</p> <p>25 Q What did you tell him?</p>



<p style="text-align: right;">Page 26</p> <p>1 A You know, basically kept it short and sweet, 2 that, I don't know, based on the findings of the 3 investigation, you're no longer employed with 4 WestRock. 5 Q Was he provided any documents? 6 A Not by me. I don't think the company would 7 have provided any. 8 Q Was he offered the opportunity to resign 9 before being terminated? 10 A No. 11 Q Was that discussed as an option, that he 12 could -- that the company would accept his 13 resignation in lieu of termination? 14 A It may have been a topic of conversation 15 during the conference calls when the final decision 16 was made. But the consensus was this was a 17 termination. 18 Q Did you give him separation paperwork the 19 day you notified him of his termination? 20 A I didn't. I left -- left and left an HR 21 team after I terminated his employment. So I don't 22 know. 23 Q Who was the HR team that was there that day? 24 A Melinda McGraw and Terri Henley. 25 Q How long did the meeting with Tommy Whited</p>	<p style="text-align: right;">Page 28</p> <p>1 Were you involved in that decision? 2 A I would have been involved in putting some 3 type of security service in. Again, we do that 4 where there is a termination and the potential that, 5 you know, an employee could, you know, come back 6 with a gun and shoot everybody, go postal. 7 Q Right. 8 What led you to believe there was a level of 9 acrimony? 10 A Well, we terminated a guy who's worked 40 11 years with the company and by all appearances was 12 highly successful. In his mind, he was successful. 13 Plant of the year, a good employee. 14 Q Who would you say made the final decision to 15 terminate Tommy Whited? 16 A I would say it was a consensus. But if 17 there's going to be one overriding voice in that 18 situation, it's going to be Rick Parris. He's the 19 senior vice president of it. But it's going to 20 be -- you know, legal is going to play a big part in 21 it. 22 At that point, though, it was really -- it's 23 just -- everyone knew he had to go. You can't 24 conduct yourself that way. 25 Q Was he offered a severance to your</p>
<p style="text-align: right;">Page 27</p> <p>1 last that you were a part of? 2 A If it lasted five minutes, it was -- not 3 long. There's no discussion about it. There was 4 the... 5 Q Who else was there besides you and 6 Terri Henley and Melinda McGraw? 7 A I don't -- the only other person that might 8 have been there would have been Tom, and I'm not 9 certain that he was there. 10 Q During the course of the investigation, did 11 it come out that employees were afraid of 12 Tommy Whited and that he had made threats to them 13 about their job security? 14 A Yes. 15 Q Was that contrary to WestRock's policies? 16 A Absolutely. 17 Q And I understand that WestRock placed 18 security out at the plant after he was terminated; 19 is that correct? 20 A More than likely, yes. That's something we 21 do routinely where we have a termination that has 22 got some level of acrimony to it. Just -- in 23 today's world, it's the safest thing to do. 24 Q What was -- I guess what do you know about 25 that, about security being placed out at the plant?</p>	<p style="text-align: right;">Page 29</p> <p>1 knowledge? 2 A No. He was terminated for cause. 3 MS. COLLINS: All right. We can take a 4 quick break off the record. I'm going to review my 5 notes. 6 (Recess observed.) 7 MS. COLLINS: Let's go back on the 8 record. 9 BY MS. COLLINS: 10 Q Mr. Bell, if you could turn to Exhibit 16 in 11 the binder, and if you could turn to the second page 12 of that document. It starts with 219. 13 (Presented Exhibit No. 16.) 14 BY MS. COLLINS: 15 Q Just let me know when you've had a moment to 16 review that. 17 A Am I reading the whole document or this 18 first page? 19 Q If you want to -- well, first, have you seen 20 this document before? 21 A This format doesn't look familiar. 22 Q Okay. 23 A But the information I've -- I've seen 24 before. 25 Q But have you seen this particular form as it</p>

<p style="text-align: right;">Page 30</p> <p>1 pertained to the Tommy Whited investigation?</p> <p>2 A Was this put in, this part here?</p> <p>3 This looks familiar.</p> <p>4 Q By this, you're pointing to the witness</p> <p>5 statements on Page 220?</p> <p>6 A Everything above the case facts.</p> <p>7 Q Does not look familiar to you?</p> <p>8 A That would not have been the format that I</p> <p>9 saw.</p> <p>10 Q Okay. So you don't recall seeing a document</p> <p>11 where code of conduct or harassment were</p> <p>12 highlighted?</p> <p>13 A I just recall seeing the notes from the</p> <p>14 investigation.</p> <p>15 Q Okay.</p> <p>16 A And it was formatted in such, Witness 4, 5,</p> <p>17 6 so that we'd know the names.</p> <p>18 Q And on the page that has 221 down at the</p> <p>19 bottom, down at the bottom of that page, it has</p> <p>20 Summary of Findings and Conclusion.</p> <p>21 Had you seen -- do you recall if you had</p> <p>22 seen this section before?</p> <p>23 A Are you talking about the Summary of</p> <p>24 Findings?</p> <p>25 Q Yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 group is perceived one way. At any point in time,</p> <p>2 an individual who does not want that kind of</p> <p>3 attention or -- you know, they need to speak up.</p> <p>4 That's in the protocol that's for</p> <p>5 harassment, is that the employee or person or object</p> <p>6 of that kind of behavior speak to the individual</p> <p>7 directly.</p> <p>8 If that does not work, they report it</p> <p>9 to a manager. That manager, you just keep cascading</p> <p>10 until you get to an 800 hotline number. Then any</p> <p>11 possibility of any internal investigation to that</p> <p>12 plant is removed. It becomes an investigation</p> <p>13 conducted by outside resources.</p> <p>14 MS. COLLINS: We're done.</p> <p>15 FURTHER DEPONENT SAITH NOT.</p> <p>16 (Proceedings concluded at 1:55 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 31</p> <p>1 A As it pertains to individuals -- the temps</p> <p>2 working?</p> <p>3 Q It has inappropriate relationship, conflict</p> <p>4 of interest, company accounting number for</p> <p>5 reporting, and going into the next page, privacy,</p> <p>6 respect, and guidance and reporting.</p> <p>7 Do you recall if you've seen those?</p> <p>8 A I don't recall seeing it. I recall</p> <p>9 discussing those issues, yes.</p> <p>10 MS. COLLINS: That's all I have.</p> <p>11 MS. DOHNER SMITH: I think I just have</p> <p>12 one follow-up.</p> <p>13 E X A M I N A T I O N</p> <p>14 BY MS. DOHNER SMITH:</p> <p>15 Q I think earlier you indicated that hitting</p> <p>16 in the groin goes beyond horseplay.</p> <p>17 If, for example, there were, you know, two</p> <p>18 long-term friends and they kind of engaged in this</p> <p>19 type of behavior, you know, toward each other,</p> <p>20 laughed about it, you know, it was joking to them,</p> <p>21 could that be considered still inappropriate in the</p> <p>22 workplace but horseplay?</p> <p>23 MS. COLLINS: Objection to form.</p> <p>24 THE WITNESS: Yes, that could be. The</p> <p>25 banter and activity that goes on in a close-knit</p>	<p style="text-align: right;">Page 33</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I, Elisabeth A. Miller Lorenz, RMR,</p> <p>4 CRR, Notary Public and Court Reporter, do hereby</p> <p>5 certify that I recorded to the best of my skill and</p> <p>6 ability by machine shorthand all the proceedings in</p> <p>7 the foregoing transcript, and that said transcript</p> <p>8 is a true, accurate, and complete transcript to the</p> <p>9 best of my ability.</p> <p>10 I further certify that I am not an</p> <p>11 attorney or counsel of any of the parties, nor a</p> <p>12 relative or employee of any attorney or counsel</p> <p>13 connected with the action, nor financially</p> <p>14 interested in the action.</p> <p>15 SIGNED this 21st day of December, 2017.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 </p> <p>21 Elisabeth A. Miller Lorenz, RMR, CRR</p> <p>22 My Notary commission expires: 3/10/2019</p> <p>23 Tennessee LCR No. 66</p> <p>24 Expires: 6/30/2018</p> <p>25</p>

E R R A T A

I, JEB BEL, having read the foregoing deposition, Pages 1 through 34, taken December 18, 2017, do hereby certify said testimony is a true and accurate transcript, with the following changes, if any:

PAGE	LINE	SHOULD HAVE BEEN
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JEB BEL

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_